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    CITY OF FREMONT POLICE DEPARTMENT, DOUG LYERLA
    and JEFF SWADENER (erroneously sued herein as "Sargent Swander")
11
                              UNITED STATES DISTRICT COURT
12
                            NORTHERN DISTRICT OF CALIFORNIA
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14
    DANIEL LAVI,
                                               Case No.: CV09-3327 PJH
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                 Plaintiff,
                                               [PROPOSED] ORDER CONTINUING
                                               HEARING ON DEFENDANTS' MOTION TO
           VS.
16
                                               DISMISS AND MOTION TO STRIKE TO
    CITY OF FREMONT, FREMONT POLICE
                                               DECEMBER 9, 2009
17
    DEPARTMENT, DOUG LYERLA, SARGENT
    SWANDER, in his capacity as Police Officer for )
18
    the City of Fremont, and DOES 1-100, inclusive,)
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                 Defendants.
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Defendants City of Fremont, City of Fremont Police Department, Doug Lyerla and Jeff Swadener's motion to dismiss plaintiff's complaint and motion to strike were set for hearing October 20, 2009 before the Honorable Phyllis J. Hamilton. Susan P. Grey specially appeared on behalf of plaintiff and Gregory M. Fox appeared on behalf of defendants. Mr. Lavi represents himself.

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Ms. Grey informed the court, after discussing the issue of a dismissal with prejudice of the entire action with plaintiff, that Mr. Lavi was not agreeable to this type of dismissal and therefore requested a continuance of the hearing on this matter to allow plaintiff an opportunity to retain new legal counsel. In response to this request the Court made the following Order.

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- 1. The hearing on defendants' motions continued to December 9, 2009 at 9:00 a.m.
- 2. Plaintiff shall submit a substitution of counsel no later than November 4, 2009 or else proceed pro se.
- 3. Any written opposition by plaintiff to the defendants' two motions shall be filed and served by November 18, 2009.
- 4. Any reply by defendants shall be filed by November 25, 2009.
- 5. No further continuances will be granted by the court.
- 6. Defendants to serve by mail a copy of this Order on plaintiff pro se at his mailing address and file proof of service with the court by e-filing.

IT IS SO ORDERED.

Dated: October 26, 2009

